

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MAUREN JEROME ASHFORD; DENNIS PARK;
JAMELLE MANNING; MICHAEL BURDICK;
LEON HURD MICHAEL LEE TURNER; ERIC
McGRIFF; RAYMOND C. GEORGE; CHARLES
WASHINGTON; PAUL HOLLIS; ISSAC
McDONALD; HARRY HUBBARD; RODNEY
JACKSON; MARK SWIFT; FRED MINOR;
LAMAR LOVETTE; CHARLES ROBERTS;
WILFREDO RODENA; CLAUDE F. BEY;
DANIEL MERCADO; ROBERT VAZQUEZ;
MICHAEL ALEXANDER; JOHNATHAN MARKS;
ABDUL BEYAH; LATIEF JOHNSON; and
RICHARD CURTIS,

Plaintiff,

vs

9:08-CV-1036

ELIOT SPITZER; DENISE E. O'DONNELL,
Commissioner, Division of Criminal Justice
Services for the State of New York; GEORGE
B. ALEXANDER, Chairman/CEO, Division of
Parole for the State of New York; BRIAN
FISCHER, Commissioner, New York State
Department of Correctional Services; DR.
MICHAEL F. HOGAN, PHD, Commissioner,
NYS Office of Mental Health; DIANA JONES
RITTER, Commissioner, New York State Office
of mental Retardation and Developmental Disabilities;
RANDALL BLUTH, Commissioner; MICHAEL
MELKONIAN, Commissioner, Legislative Bill
Drafting Commission; EDWIN ELFELDT,
Coordinator Sex Offender Counseling and
Treatment Program; JOSEPH T. SMITH,
Superintendent, *; NEVILLE ANDREWS,
Dep. Supt. Programs, *; SEAN KOBER,
Grievance Supervisor, Inmate Grievance
Program; ED RUDDER, Senior Counselor/
Psychologist; DICK FITCHETT, Senior Counselor;
BRIAM McCULLOUGH, Senior Counselor;
FRANK CHIAPERRINO, Corrections Counselor;
JOHN TOWNLEY, Corrections Counselor/LMSW;
STACEY BODE, Clinical Social Worker, II;
HOETGER, Corrections Officer, *; KEN CUTLER,

Corrections Officer, *; J. STEFANIK, Corrections Officer, *; HAIN, Corrections Officer, *; KANE, Corrections Officer, *; GAY, Corrections Officer, *; GARDNER. Lieutenant, *; and MOSS, Sergeant, * , (* all of Shawangunk Correctional Facility),

Defendants.

APPEARANCES:

OF COUNSEL:

Pro Se Plaintiffs:

Mauren Jerome Ashford
93-B-2332
Auburn CF

Dennis Park
03-B-0518
Clinton CF

Jamelle Manning
00-A-3270
Clinton CF

Michael Burdick
06-B-1430
Clinton CF

Leon Hurd
05-B-0831
Shawangunk CF

Michael Lee Turner
Shawangunk CF

Eric McGriff
05-B-0102
Coxsackie CF

Raymond C. George
03-B-0144
Shawangunk CF

Charles Washington
88-C-0229
Shawangunk CF

Paul Hollis
94-B-3238
Shawangunk CF

Issac McDonald
03-B-2885
Shawangunk CF

Harry Hubbard
07-B-2396
Shawangunk CF

Rodney Jackson
04-A-5654
Shawangunk CF

Mark Swift
05-B-3040
Shawangunk CF

Fred Minor
85-B-0968
Shawangunk CF

Lamar Lovette
07-A-0742
Shawangunk CF

Charles Roberts
07-B-2685
Shawangunk CF

Wilfredo Rodena
89-A-1432
Shawangunk CF

Claude F. Bey
Shawangunk CF

Daniel Mercado
88-A-3113
Shawangunk CF

Robert Vazquez
Shawangunk CF

Michael Alexander
83-B-2845
Clinton CF

Johnathan Marks
83-B-2845
Great Meadow CF

Abdul Beyah
Shawangunk CF

Latief Johnson
Shawangunk CF

Richard Curtis
99-B-2772
Shawangunk CF

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiffs brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated December 3, 2008, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that plaintiffs' request for Class Certification be denied without prejudice with leave to renew in the event that plaintiffs obtain an attorney to represent them in this matter. Plaintiff Mauren Jerome Ashford has filed timely objections to the report-recommendation.

Based upon a careful review of the entire file and the recommendation of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that plaintiffs' request for Class Certification is DENIED without prejudice with leave to renew in the event that plaintiffs obtain an attorney to represent them in this matter.

IT IS SO ORDERED.

Dated: January 13, 2009
Utica, New York.


United States District Judge